

Message Text

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PAGE 01 STATE 184930
ORIGIN EA-09

INFO OCT-01 ISO-00 L-03 JUSE-00 SP-02 CIAE-00 INR-07
NSAE-00 SS-15 NSC-05 PRS-01 /043 R

DRAFTED BY EA/K:JSBOARDMAN:JCM
APPROVED BY EA/K - MR. RICH
L/EA - MR. NORTON
JUSTICE - MR. MICHEL

-----014254 061601Z /45

P 061302Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL PRIORITY

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E.O. 11652: N/A

TAGS: PDIP, US, KS

SUBJECT: SUBPOENA OF BANK RECORDS OF ROK EMBASSY OFFICERS

REF: SEOUL 6534

1. IN PREVIOUS INSTANCES WHEN THE QUESTION OF THE AVAILABILITY OF BANK RECORDS OF ROK EMBASSY OFFICIALS TO SUBPOENA AROSE, DEPARTMENT GAVE ITS LEGAL VIEW TO ROK EMBASSY THAT VIENNA CONVENTION IMMUNITIES DID NOT EXTEND TO SUCH RECORDS HELD BY THE BANKS FOR THEIR OWN PURPOSES. THE ROK HAS NEVER ACCEPTED THAT POSITION. IT REMAINS OPEN TO THE ROK, OF COURSE, TO CHALLENGE ANY GIVEN SUBPOENA IN THE COURTS ON THE BASIS OF THE CLAIMED IMMUNITY. IF ASKED BY THE COURT OR BY ANY OF THE PARTIES, THE DEPARTMENT WOULD GIVE ITS LEGAL VIEW; THIS VIEW WOULD NOT, HOWEVER, NECESSARILY BIND THE COURT.

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2. EA/K DIRECTOR RICH REPEATED THIS POSITION TO ROK EMBASSY COUNSELOR KIM SUK KYU AUGUST 1. HE ADDED THAT THE U.S. GOVERNMENT WOULD NOT CONSIDER THE ROKG'S CONTESTING OF THE ISSUE AS A HOSTILE ACT ANY MORE THAN THE JUDICIAL PROCEDURE BEING UNDERTAKEN BY JUSTICE DEPT SHOULD BE CONSIDERED AS A HOSTILE ACT AGAINST KOREA.

3. DEPARTMENT HAS ALSO INFORMED JUSTICE OF ROK EMBASSY
VIEW THAT THEY CONSIDER JUSTICE TO HAVE VIOLATED
GENTLEMEN'S AGREEMENT ABOUT PRIOR CONSULTATION.

4. EMBASSY MAY DRAW ON ABOVE IN REPLYING TO MOFA, BUT
AVOID DISCUSSIONS OF SUBSTANCE OF JUSTICE - ROK EMBASSY
UNDERSTANDINGS. CHRISTOPHER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUBPOENAS, BANKS, DIPLOMATIC PERSONNEL
Control Number: n/a
Copy: SINGLE
Sent Date: 06-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE184930
Document Source: CORE
Document Unique ID: 00
Drafter: JSBOARDMAN:JCM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770283-0112
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770889/aaaacxgm.tel
Line Count: 69
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: c7f05160-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 SEOUL 6534
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19-Nov-2004 12:00:00 am
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Review Exemptions: n/a
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Review Withdrawn Fields: n/a
SAS ID: 1685089
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Subject: SUBPOENA OF BANK RECORDS OF ROK EMBASSY OFFICERS
TAGS: PDIP, US, KS
To: SEOUL
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/c7f05160-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
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